

Appl. No. 10/707,246
Response Dated December 1, 2005
Reply to Office Action Dated September 2, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figures 4 and 5. These sheets, which include Figures 3, 4, 5 and 7, replace the original sheets including Figures 3, 4, 5 and 7. In Figure 5, the duplicate use of reference character 501 is being corrected by changing the reference character "501" on the far left of Figure 5 (used in association with an arrow) to refer to the pump "500." In Figure 4, reference number 421a has been deleted.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

Please reconsider the application in view of the above amendments and the following remarks. Claims 1-16 and 18-42 remain in this application. Applicants have amended claims 1, 17, 18, 19, 25 and 26 herein.

The Examiner has indicated that claims 5-16 and 33-42 are allowed. The Examiner further indicated that claims 18-24, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim. For reasons stated below, Applicant believes that the base claims from which these claims depend are allowable and that there is no need to rewrite these claims in independent forms. Accordingly, Applicant respectfully defers rewriting the claims at this time.

Drawings/Specification

The Examiner "objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 527, 528 (fig. 5); 421a (fig. 4); and 705 (fig. 8B)." Applicant has submitted a replacement drawing sheet 4/6 including new Figure 4, to remove the use of reference character 421a. Applicant has also submitted replacement paragraphs 58 and 88 to include the reference characters 527, 528 and 705 in the description. Support for the amendment to paragraph 58 is found in Figure 5. Support for the amendment to paragraph 88 is found in Figure 8B step 705. No new matter has been added by way of these amendments. Reconsideration and withdrawal of the objection is respectfully requested.

The disclosure stands subject to an objection because paragraph [0037], last sentence includes a phrase "7001,200 pounds per square inch" that does not make sense. Applicant has submitted a replacement paragraph that has been amended to show that a dash ("-") is missing, such that the corrected sentence reads "The differential pressure is typically 700 – 1,200 pounds per square inch." Reconsideration and withdrawal of the objection is respectfully requested.

Applicant has also submitted replacement paragraphs 59-60 and 65-66, along with a replacement drawing sheet 3/6 including new Figure 5, to remove the duplicate use of reference character 501 and to correctly refer to the pump as "pump 500." Replacement paragraph 79

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replaces the reference to "probe 205" with "probe 215" consistent with other references to the probe. No new matter has been added by way of this amendment.

Rejection(s) under 35 U.S.C § 102

Claims 1-4 and 17 stand rejected under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 5,377,755 ("Michaels et al."). The rejection is respectfully traversed.

Independent claim 1 has been amended to include the following limitation: "when the piston is exposed to a pressure differential between an internal pipe mud pressure and an annular pressure in the wellbore." Support for this amendment is found in at least paragraph 37. A clarifying amendment was also placed in the preamble to provide antecedent basis for "the wellbore."

Michaels et al. discloses a wireline tool and, therefore, does not have an internal pipe mud pressure. Thus, the pump of Michaels will not even have access to an internal pipe mud pressure as recited in claim 1. Accordingly, Michaels et al. does not teach, show or suggest all of the limitations of claim 1. Reconsideration and withdrawal of the rejection of Claim 1 (and the claims that depend therefrom) is respectfully requested.

Similarly, independent claim 17 has been amended to replace "a lower pressure" with "an annular pressure" and replace "a higher pressure" with "an internal pipe mud pressure." Support for this amendment is found in original claim 18 and in paragraph 84.

As stated above, Michaels et al. discloses a wireline tool with no pipe string and, therefore, has no internal pipe mud pressure as recited in claim 17. Accordingly, Michaels et al. also does not teach, show or suggest all of the limitations of claim 17. Reconsideration and withdrawal of the rejection of Claim 17 (and the claims that depend therefrom) is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claims 25 and 28-32 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,516,898 ("Krueger") in view of Michaels et al.

Claim 25 has been amended to include the limitation that "a first piston disposed in the pump chamber so that the piston will move in one selected from a charge stroke and a discharge

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stroke when the piston is exposed to an internal pipe mud pressure." A corresponding amendment has been made to claim 26. Support for these amendments is found in paragraph 37.

While Michaels et al. discloses a fluid sampling device having a fluid pump, Michaels does not teach, show or suggest a pump with a first piston disposed in the pump chamber so that the piston will move in one selected from a charge stroke and a discharge stroke when the piston is exposed to an internal pipe mud pressure. As discussed above, Michaels is a wireline tool and does not have an internal pipe mud pressure, or a pump with a piston exposed thereto as recited in Claim 25. Reconsideration and withdrawal of the rejection is respectfully requested.

The deficiencies of Michaels are not provided by Krueger. Krueger fails to teach a pump with a piston exposed to internal mud pipe pressure as recited in the claims. Krueger, therefore, fails to support a finding of obviousness of the claims. Even if one were to attempt to combine Michaels with Krueger, there is no suggestion in either reference of exposing a piston to an internal pipe mud pressure. Moreover, there is no motivation to even combine Krueger with Michaels to achieve the claimed invention.

In view of the above, Applicant submits that the present claims demonstrate novelty and non-obviousness over the art of record. Applicant, therefore, respectfully requests withdrawal of the rejections of all the claims under 35 U.S.C. §§ 102 and 103.

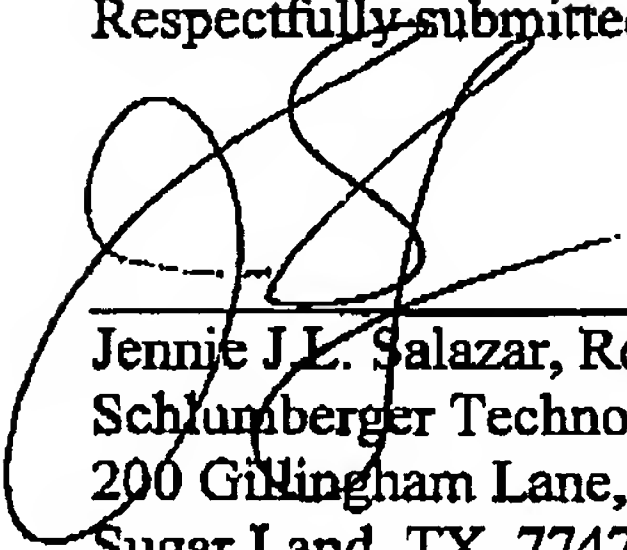
Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the telephone number listed below.

This paper is submitted in response to the Office Action dated September 2, 2005 for which the three-month date for response is December 2, 2005. Please apply any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 24.0935).

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Date: 12/1/05

Respectfully submitted,



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Attachments:

1. Two Replacement Sheets of the Drawings; and
2. Two Annotated Sheets Showing Changes.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

3/8

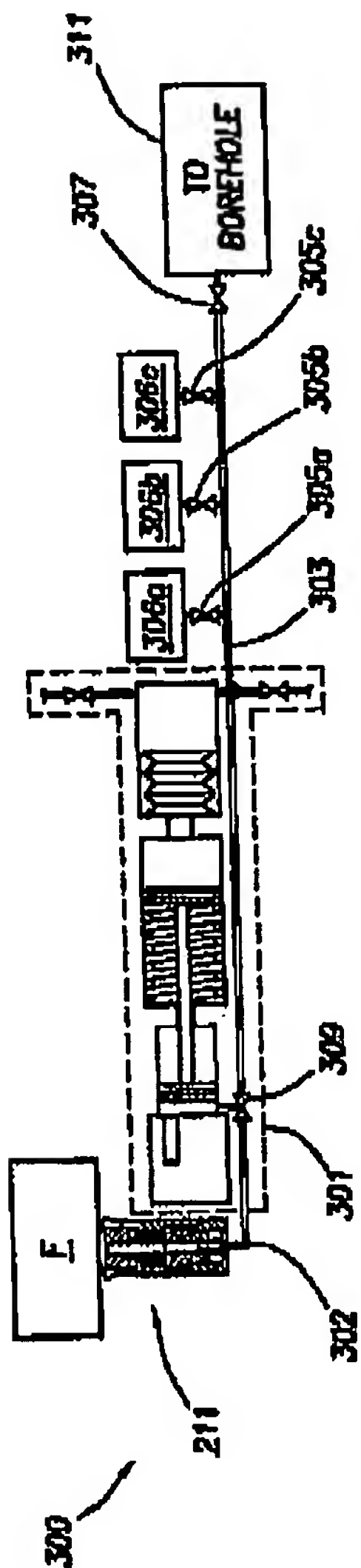


FIG. 3

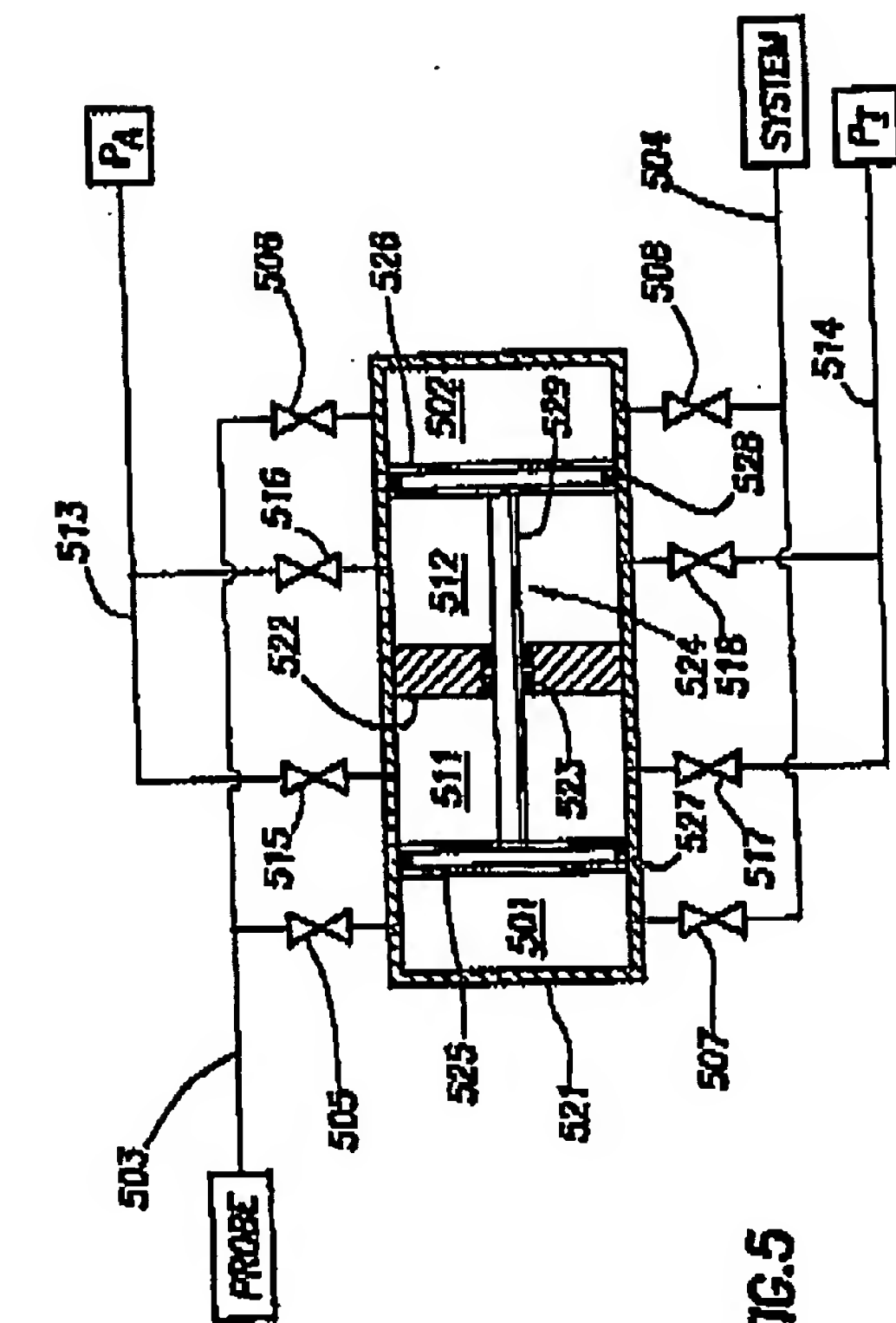
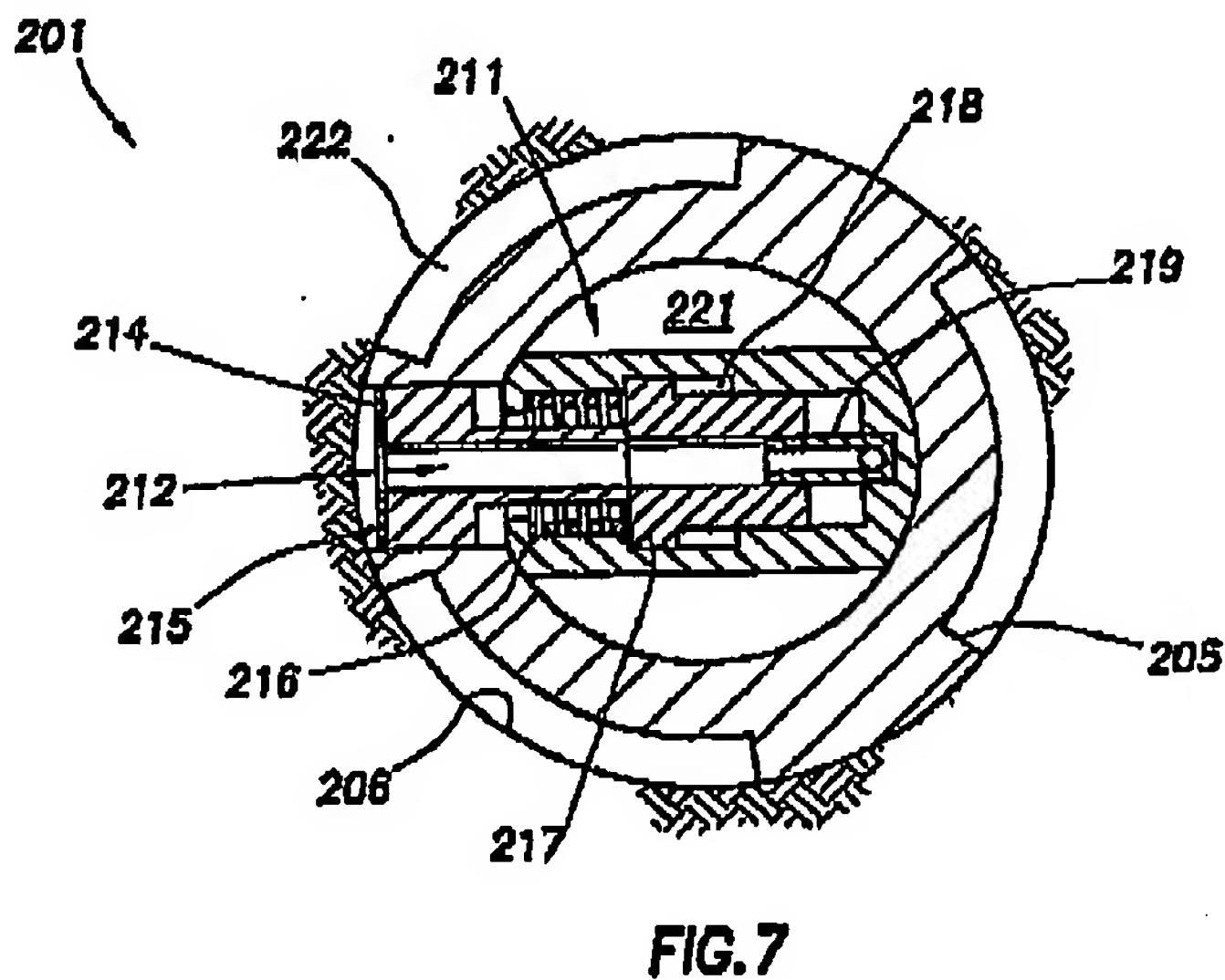
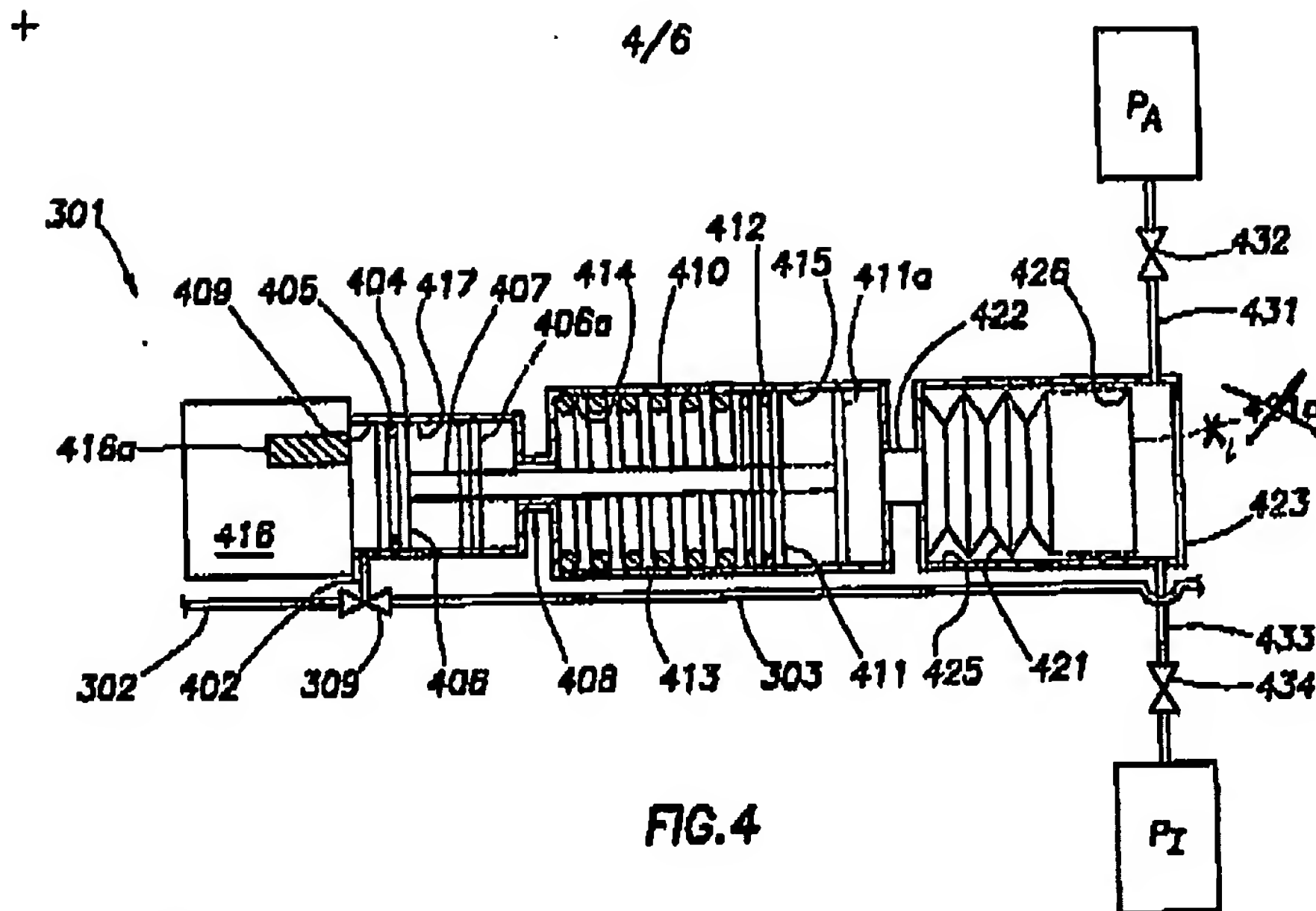


FIG. 5

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